

REMARKS

This responds to the Office Action mailed on November 15, 2006.

Claims 1-59 and 63-64 are canceled; as a result, claims 60-62 and 65-58 are now pending in this application.

§103 Rejection of the Claims

Claims 60, 62 and 65-68 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yurt et al. (U.S. 5,132,992; hereinafter Yurt) in view of Herz et al. (U.S. 5,351,075; hereinafter Herz).

Applicants respectfully submit that claims 60, 62 and 65-68 should not be rejected under 35 U.S.C. § 103 for the reason that prior art references when combined do not teach or suggest all of the claim limitations of the independent claims of the present application.

To establish a **prima facie** case of **obviousness**, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Claim 60 includes the following limitations:

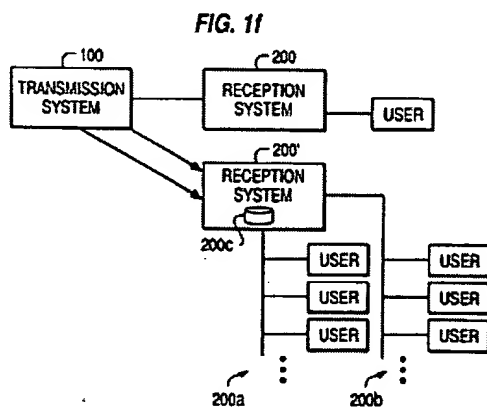
a network interface coupled to said first communication network for connecting said first communication network to a plurality of subscriber units via a second communication network, said network interface comprising:

request receiving means for receiving requests originating from said subscriber units... including privileged subscriber units

request relay means for relaying only requests from privileged subscriber units for said digital information stream....

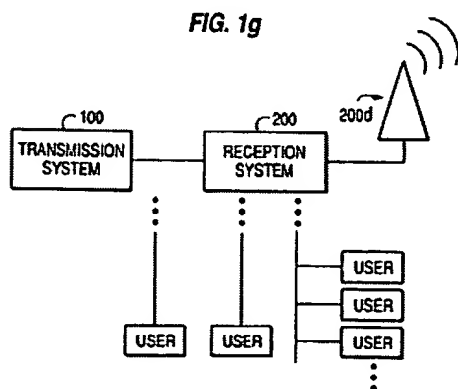
....means for relaying said digital information streamto said requestingprivileged subscriber units

The Office Action, in rejecting claim 60, contends that the above limitations are taught/suggested by the following illustrations in Yurt:



Yurt, Figure 1f.

The above figure illustrates a transmission system 100 and two reception systems, 200 and 200'. The reception system 200 is a "direct connection" reception system wherein a user is "directly connected" (Col. 4, lines 23-25) to the transmission system 100. The reception system 200' includes a cable television system 200a (Col. 4, lines 25-29) and a cable television system 200b (*Id.*). Users of cable television system 200a and cable television system 200b are indirectly connected to the transmission system 100 (*Id.*).



Yurt, Figure 1g.

The above figure illustrates a transmission system 100 distributing to a reception system 200, which then transmits requested material over airwave communication channels 200d to a plurality of users (Col. 4, lines 52-64). The airwave transmission and receiving system may employ "VHF, UHF or satellite broadcasting systems" (Id.)

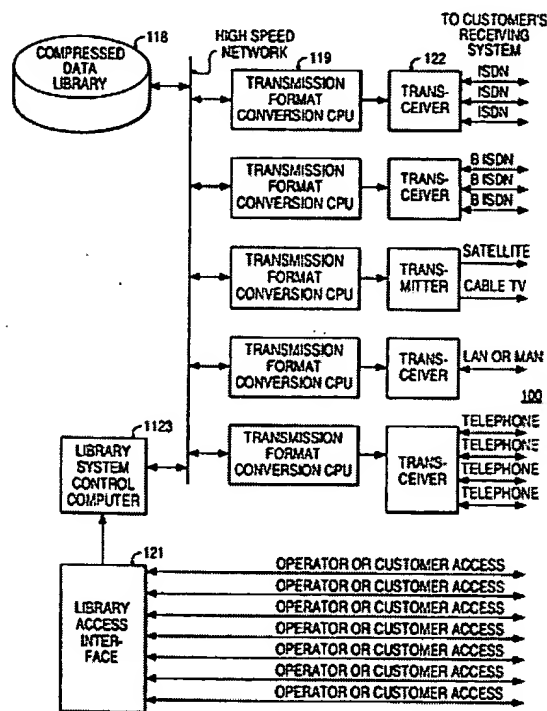


FIG. 2b

The above figure illustrates a transmission system 100. The transmission system 100 includes transceivers 122. The transmission system 100 sends data to the reception systems via the transceivers 122.

Yurt, Figure 2b.

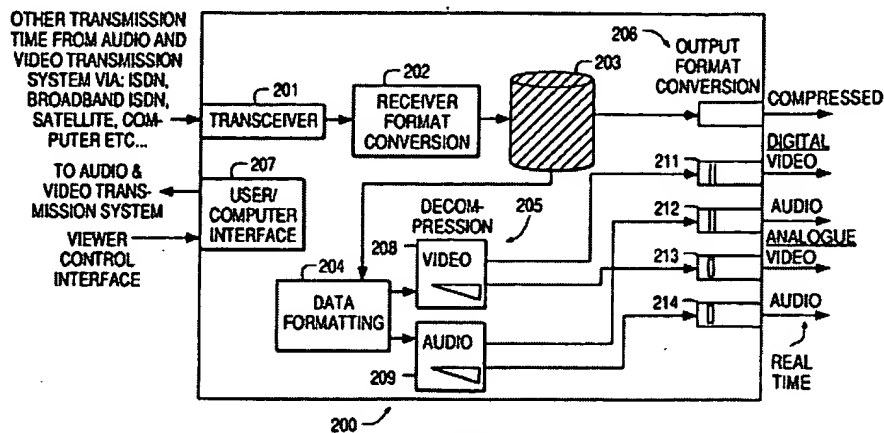


FIG. 6

Yurt, Figure 6.

The above figure illustrates a "direct connection" reception system 200 wherein a single user is "directly connected" (Col. 4, lines 23-25) to the transmission system 100. The "direct connection" reception system 200 includes a transceiver 201, a user/computer interface 207, and outputs 211-214 (Col. 18, lines 1-45). The transceiver 201 receives audio and/or video information transmitted by the transceiver 122 in the transmitter 100 (Col. 18, lines 1-6). The user/computer interface 207 provides a user with access from terminals including personal computers and interfaces built into the reception system 200 (Col. 14, lines 64-68). The user may use a personal computer to request video and/or audio information that may be communicated out the outputs 211-214. The outputs 211-214 are output to a playback system such as a TV or audio amplifier or an audio/video recorder of a user (Col. 18, lines 38).

Claim 60 requires a request receiving means for receiving requests originating from a plurality of privileged subscriber units for a digital information stream, the requesting privileged subscriber units further being relayed the digital information stream. The above quotes and Figures from Yurt fail to disclose these limitations for the reason that Yurt does not disclose a plurality of subscriber units that originate requests for digital information streams and being relayed the digital information streams. For example, with reference to the Figure 6, the audio and/or video information described above is communicated out the outputs 211-214. If the Office Action equates the limitation "plurality of subscriber units" with the single device connected to

the outputs 211-214 illustrated in Figure 6 then the subscriber unit must be the described “TV”, “audio amplifier”, or “audio/video recorder of a user” (Col. 18, lines 38). Notwithstanding a failure to show a plurality of subscriber units that originate requests, the above Figure 6 and associated quotes further fail to show a “TV”, “audio amplifier” or “an audio/video recorder of a user” as originating a request, much less a request for a digital information stream. Rather, the above quotes from Yurt describes terminals including “personal computers” and “interfaces built into the reception system 200” (Col. 14, lines 64-68) as enabling the user to request video and/or audio information. Such devices are not described as receiving the requested video and/or audio information. To be sure, a “TV” cannot be said to be a “personal computer or an interface built into the reception system 200”, an “audio amplifier” cannot be said to be a “personal computer or an interface built into the reception system 200”, and an “audio/video recorder” cannot be said to be a “personal computer or an interface built into the reception system 200.”

In general, Yurt describes a system of distributing video and/or audio information that employs digital signal processing to achieve high rates of data compression. The compressed and encoded audio and/or video information is sent over standard telephone, cable or satellite broadcast channels to a receiver specified by a subscriber of the service for later playback and optional recording on standard audio and/or video tape. In contrast, claim 60 requires a request receiving means for receiving requests originating from a plurality of privileged subscriber units for a digital information stream, the requesting privileged subscriber units further being relayed the digital information stream.

In addition, if an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious and rejection of claims 61-62 and 65-68 under 35 U.S.C. § 103 is also addressed by the above remarks.

Claim 61 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yurt in view of Herz as applied to claim 60 above, and further in view of Baker et al. (U.S. 5,583,561; hereinafter Baker). Claim 61 depends on independent claim 60. Accordingly, claim 61 is nonobvious and rejection of claims 61 is also addressed by the above remarks.

In summary, Yurt in combination with Herz in combination with Baker does not teach or suggest each and every limitation of the claim 60 as required to support a rejection of the independent claim 60 of the present application under 35 U.S.C. § 103.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 408-278-4042 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Reservation of Rights

In the interest of clarity and brevity, Applicants may not have addressed every assertion made in the Office Action. Applicants' silence regarding any such assertion does not constitute any admission or acquiescence. Applicants reserve all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicants do not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicants timely object to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicants reserve all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

Respectfully submitted,

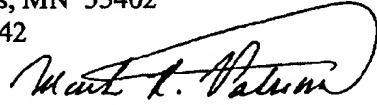
PADMANABHA RAO ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
408-278-4042

Date 02/08/2007

By



Mark R. Vatuone
Reg. No. 53,719

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 8 day of February 2007.

Dawn R. Shaw

/Dawn R. Shaw/

Name

Signature